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1642  
\$

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/194,552
Filing Date	3/23/99
First Named Inventor	Brooks
Group Art Unit	1642
Examiner Name	A. Harris
Attorney Docket Number	TSRI 481.2

RECEIVED

JUN 15 2001

TECH CENTER 1600/2900

Total Number of Pages in This Submission

## ENCLOSURES (check all that apply)

- ☒ Fee Transmittal Form
- ☒ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☒ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☒ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter

☒ Other Enclosure(s) (please identify below):

-postcard  
-Abstract  
-ADS  
-Copy of Provisional Application No. 60/015,869

Remarks

Other Enclosures cont'd.

-Inventor Amendment  
-Inventor Statement of Steve A. Silletti  
-Assent of Assignee  
-References (35)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

Emily Holmes

Signature

*Emily Holmes*

Date

6/6/01

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 6/6/01

Typed or printed name

Ariel Fletcher

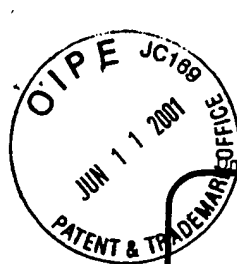
Signature

*Ariel Fletcher*

Date

6/6/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)  
890.00

## Complete if Known

Application Number 09/194,552  
Filing Date 3/23/99  
First Named Inventor Brooks  
Examiner Name A. Harris  
Group Art Unit 1642  
Attorney Docket No. TSRI 481.2

RECEIVED

JUN 15 2001

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## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 19-0962  
Deposit Account Name

- ☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	890.00
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)  
890.00

## SUBMITTED BY

Name (Print Type)	Registration No. (Attorney/Agent)	Telephone	Date
Emily Holmes	40,652	(858) 784-2937	6/6/01
Signature			

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Attorney's Name and Patent No. 527.0P

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Peter C. Brooks, David A. Cheresh, Steven Siletti and  
James P. Quigley  
For: C-TERMINAL MATRIX METALLOPROTEINASE MMP-2 PEPTIDE FRAGMENTS USEFUL FOR  
INHIBITING CELLULAR INVASION  
Box Provisional Patent Application  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**COVER SHEET FOR FILING PROVISIONAL APPLICATION**  
(37 C.F.R. § 1.51(2)(i))

**WARNING:** "A provisional application must also include a cover sheet identifying the application as a provisional application. Otherwise, the application will be treated as an application filed under § 1.53(b)(1)." 37 C.F.R. § 1.53(b)(2)(i).

**NOTE:** "A complete provisional application does not require claims since no examination on the merits will be given to a provisional application. However, provisional applications may be filed with one or more claims as part of the application. Nevertheless, no additional claim fee or multiple dependent claims fee will be required in a provisional application." Notice of December 5, 1994, 59 FR 63951, at 63953.

"Any claim filed with a provisional application will, of course, be considered part of the original provisional application disclosure." Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,209.

**NOTE:** "A provisional application shall not be entitled to the right of priority under § 1.55 or 35 U.S.C. 119 or 365(a) or to the benefit of an earlier filing date under § 1.78 or 35 U.S.C. 120, 121 or 365(c) of any other application." 37 C.F.R. § 1.53(b)(2)(iii).

**NOTE:** "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(2)(b). "Any information disclosure statements filed in a provisional application would either be returned or disposed of at the convenience of the Office." Notice of December 5, 1994, 59 FR 63591, at 63594.

**NOTE:** "No amendment other than to make the provisional application comply with all applicable regulations, may be made to the provisional application after the filing date of the provisional application." 37 C.F.R. § 1.53(b)(2).

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on May 31, 1996 (date), in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10. Mailing Label Number EM512698795US addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Signature

Lori A. Linderman

(type or print name of person certifying)

**NOTE:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. (37 C.F.R. 1.10(b))

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 CFR 1.8(a) cannot be used to obtain a date of mailing or transmission for this correspondence. 37 C.F.R. 1.8(a)(i)(A).

**WARNING:** A provisional application may be abandoned by operation of 35 U.S.C. 111(b)(5) on a Saturday, Sunday, or Federal holiday within the District of Columbia, in which case, a nonprovisional application claiming benefit of the provisional application under 35 U.S.C. 119(e) must be filed no later than the preceding day that is not a Saturday, Sunday, or Federal holiday within the District of Columbia. Notice of April 14, 1995, 60 Fed. Reg. 20,195 at 20,202.

1. The accompanying application is a provisional application. (37 C.F.R. § 1.51(a)(2)(i)(A))
2. The name(s) of the inventor(s) is/are (37 C.F.R. § 1.51(a)(2)(i)(B)):

**NOTE:** While the name or names of the inventors are required in order to accord a provisional application a filing date, a provisional application is not required to be signed by the inventor or the assignee. No oath or declaration is required. Presumably, most provisional applications will be filed by a registered practitioner without a power of attorney being filed. Notice of December 5, 1994, 59 FR 63591, at 63594.

**NOTE:** "The naming of inventors for obtaining a filing date for a provisional application is the same as for other applications. A provisional application filed with the inventors identified as 'Jones et al.' will not be accorded a filing date earlier than the date upon which the name of each inventor is supplied unless a petition with the fee set forth in § 1.17(i) is filed which sets forth the reasons the delay in supplying the names should be excused. Administrative oversight is an acceptable reason. It should be noted that for a 35 U.S.C. 111(a) application to be entitled to claim the benefit of the filing date of a provisional application the 35 U.S.C. 111(a)[,] application must have at least one inventor in common with the provisional application." Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,209.

The term "invention" is typically used to refer to subject matter which applicant is claiming in his/her application. Because claims are not required in a provisional application, it would not be appropriate to reference joint inventors as those who have made a contribution to the "invention" disclosed in the provisional application. If the "invention" has not been determined in the provisional application because no claims have been presented, then the name(s) of those person(s) who have made a contribution to the subject matter disclosed in the provisional application should be submitted. Section 1.45(c) states that "if multiple inventors are named in a provisional application, each named inventor must have made a contribution, individually or jointly, to the subject matter disclosed in the provisional application." All that § 1.45(c) requires is that if someone is named as an inventor, that person must have made a contribution to the subject matter disclosed in the provisional application. When applicant has determined what the invention is by the filing of the 35 U.S.C. 111(a) application, that is the time when the correct inventors must be named. The 35 U.S.C. 111(a) application must have an inventor in common with the provisional application in order for the 35 U.S.C. 111(a) application to be entitled to claim the benefit of the provisional application under 35 U.S.C. 119(e). Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,208.

"If all the names of the actual inventor or inventors are not supplied when the specification and any required drawings are filed, the provisional application will not be given a filing date earlier than the date upon which the names are supplied unless a petition, with the fee set forth in § 1.17(q), is filed, which sets forth that the reasons for the delay in supplying the names should be excused." 37 C.F.R. § 1.53(b)(2).

1. <u>Peter</u> (GIVEN NAME)	<u>C.</u> (MIDDLE INITIAL OR NAME)	<u>Brooks</u> (FAMILY (OR LAST) NAME)
2. <u>David</u> (GIVEN NAME)	<u>A.</u> (MIDDLE INITIAL OR NAME)	<u>Cheresh</u> (FAMILY (OR LAST) NAME)
3. <u>Steven</u> (GIVEN NAME)	<u></u> (MIDDLE INITIAL OR NAME)	<u>Siletti</u> (FAMILY (OR LAST) NAME)
4. James	P.	Quigley

(Cover Sheet for Filing Provisional Application [23-1]—page 2 of 5)

3. Address(es) of the inventor(s), as numbered above (37 C.F.R. § 1.51(a)(2)(i)(C)):

1. 3550 Lebon Drive, No. 6113, San Diego, California 92122

2. 327 Via Andalusia, Encinitas, California 92024

3. 510 Stratford Court, No. 101B, Del Mar, California 92014

4. The title of the invention is (37 C.F.R. § 1.51(a)(2)(i)(D)):

C-TERMINAL MATRIX METALLOPROTEINASE MMP-2 PEPTIDE FRAGMENTS

USEFUL FOR INHIBITING CELLULAR INVASION

5. The name, registration, and telephone number of the attorney (if applicable) is (37 C.F.R. § 1.51(a)(2)(i)(E)):

Name of attorney: Thomas Fitting

Reg. No. 34,163 Tel. ( 619 ) 554-2937

(complete the following, if applicable)

☐ A power of attorney accompanies this cover sheet.

6. The docket number used to identify this application is (37 C.F.R. § 1.51(a)(2)(i)(F)):

Docket No.: 527.0P

7. The correspondence address for this application is (37 C.F.R. § 1.51(a)(2)(i)(G)):

THE SCRIPPS RESEARCH INSTITUTE, Office of Patent Counsel

10666 North Torrey Pines Road, TPC-8, La Jolla, CA 92037

8. Statement as to whether invention was made by an agency of the U.S. Government or under contract with an agency of the U.S. Government.  
(37 C.F.R. § 1.51(a)(2)(i)(H)).

This invention was made by an agency of the United States Government or under contract with an agency of the United States Government.

☐ No.

☒ Yes.

The name of the U.S. Government agency and the Government contract number are:

National Heart Lung and Blood Institute HL54444

9. Identification of documents accompanying this cover sheet:

A. Documents required by 37 C.F.R. §§ (a)(2)(ii)-(iii):

Specification: (including Exhibits I-VI

No. of pages 57

Drawings: (included in Exhibit I)

No. of sheets 11

B. Additional documents:

☐ Claims:

No. of claims \_\_\_\_\_

Note: A complete provisional application does not require claims. 37 C.F.R. § 1.51(a)(2).

☐ Power of attorney

☐ Small entity statement

☐ Assignment

☐ Other

NOTE: Provisional applications may be filed in a language other than English as set forth in existing § 1.52(d). However, an English language translation is necessary for security screening purposes. Therefore, the PTO will require the English language translation and payment of the fee mandated in § 1.52(d) in the provisional application. Failure to timely submit the translation in response to a PTO requirement will result in the abandonment of the provisional application. If a 35 U.S.C. 111(a) application is filed without providing the English language translation in the provisional application, the English language translation will be required to be supplied in every 34 U.S.C. 111(a) application claiming priority of the non-English language provisional application. Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,209.

10. Fee

The filing fee for this provisional application, as set in 37 C.F.R. § 1.16(k), is \$150.00, for other than a small entity, and \$75.00 for a small entity.

☐ Applicant is a small entity.

NOTE: "A verified statement in compliance with existing § 1.27 is required to be filed in each provisional application in which it is desired to pay reduced fees." Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,197.

11. Small entity statement

☐ The verified statement(s) that this is a filing by a small entity under 37 C.F.R. §§ 1.9 and 1.27 is(are) attached.

12. Fee payment being made at this time

☐ Not enclosed

☐ No filing fee is to be paid at this time  
(This and the surcharge required by 37 C.F.R.  
§ 1.16(l) can be paid subsequently).

☒ Enclosed

Total fee enclosed \$ 150.00

## 13. Method of fee payment

☒ Check in the amount of \$ 150.00☐ Charge Account No. \_\_\_\_\_  
in the amount of \$ \_\_\_\_\_

A duplicate of this Cover Sheet is attached.

Please charge Account No. 19-0962 for any fee deficiency.

Date: \_\_\_\_\_

Tel.: ( )

\_\_\_\_\_  
Signature of submitter

OR

*Thomas Fitting*  
Signature of attorneyDate: May 31, 1996Reg. No.: 34,163Tel.: (619) 554-2937Thomas Fitting  
(type or print name of attorney)10666 N. Torrey Pines Road  
P.O. AddressLa Jolla, CA 92037